# **CURRENT PLANNING**

| CONTACTS           |                              |              |                      |
|--------------------|------------------------------|--------------|----------------------|
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The following is a summary of the primary issues pending in District III.

## **Dougherty Valley**

Dougherty Valley approvals allow for the development of up to 11,000 units.

#### Contact: Ruben Hernandez – 335-1339

1) <u>Village Center:</u> The Dougherty Valley Specific Plan calls for community facilities, multiple family residential units and retail and office uses to be located in the Village Center. The County Planning Commission approved the "Village Center Neighborhood Plan" in December of 2003. The 28,000 square foot community center and 11,600 square foot library are under construction. An application for the construction of a child daycare center (7000 square feet) with the capacity to care for 167 children was submitted within the Village Center. Staff is currently reviewing this submittal for completeness.

#### Contact: Lashun Cross – 335-1229

Windemere: Windemere Ranch is owned by a partnership of Brookfield, Lennar (Greystone) and Centex. Windemere Phases I through V are approved. Phase I consists of 2,232 units including single family homes, condominiums, town homes and affordable apartment units which are currently under construction. The fire station and elementary school are complete. Phase II which consists of 458 single-family homes and two parks is almost complete. Phases III – V were approved last year. Construction of the Library, Community Center/Police Substation has commenced and is anticipated to be complete in 2005.

#### Contact: Telma Moreira – 335-1217

3) Shapell: Phase I through IV of Gale Ranch has been approved. Phase I (1,216 units) is 96% built. Phase II, approved for 1,885 units, is under construction. A total of 846 units have been granted to Phase II. Phase III was approved in October of 2003 for a total of 1,423 units. Only mass grading within Phase III has occurred. Phase IV was approved (1,306 units) by the County Planning Commission in January of 2005. Phase IV includes a variety of housing types

(apartments, condominiums, town homes and single family units), parks (including 30-acre community park), a corporation yard for the City of San Ramon, and the Shapell portion of the Village Center. Only partial mass grading has been taken place within Phase IV.

## San Ramon Valley Major Projects

#### Contact: Telma Moreira – 335-1217

4) Wendt Ranch: This 125 unit residential project is located across from the east gate of Blackhawk. Phase I, and Phase II are under construction and a total of 84 building permits have been granted and homes are partially occupied. A proposed pre-school daycare center with a capacity for 127 children is within Wendt Ranch Phase III and is currently under review.

#### Contact: Aruna Bhat – 335-1219

5) YMCA: This land use permit is approved for a 40,000 square foot facility which includes an indoor and outdoor pool, a sports court, and a gymnasium. The facility is located to the east of Danville Boulevard, and would be accessed via a private easement on Lewis Lane in Alamo. There is pending litigation on this project.

#### Contact: Bob Drake – 335-1214

Norris Canyon Estates (Wiedemann Ranch): In 1992, the Board of Supervisors (BOS) approved this 1,100-acre ranch for 371 residential lots to be clustered on the northwest portion of the site. Approximately one-third of the residential permits have been issued. The project involves mass grading intended to allow for balanced grading on the site; the rough grading is complete.

Currently, there are three developers/owners with development interests in this project. Toll Brothers owns (or developed) the majority of lots. Western Pacific also owns a number of lots in the southern portion of the site, but has not yet obtained any building permits. Jeff Wiedemann owns several properties within the project that have been approved for development, including division of three large agricultural parcels.

The grading has resulted in a slight excess of fill material that the applicant has proposed be placed on the eastern perimeter of the site. The applicant applied for an amendment to the Final Development Plan to allow this change in grading. On October 6, 2004, the Zoning Administrator conducted a hearing on this proposal in Danville. After taking testimony, the Zoning Administrator approved the added fill to be placed on the "Cross Valley Ridge" (essentially allowing

existing fill material to remain in place), subject to added restrictions to the number of stories and the height of some residences.

On November 17, 2004, the San Ramon Valley Regional Planning Commission considered an appeal filed by neighbors. After taking testimony, the Planning Commission voted to sustain the Zoning Administrator approval, but further restricted the heights of proposed residences that would be most exposed to views from vantage points to the east.

## **Annual Review of Amended Development Agreement**

The project is also subject to an Amended Development Agreement with the County. The Agreement requires that the Developer subject the project to an annual review by the Zoning Administrator to determine compliance with its terms. The Zoning Administrator conducted a public hearing on the Annual Review of the Development Agreement in the fall of 2003 in Danville, at which time the project was found to be in substantial compliance with the agreement.

The applicant has filed for the next annual review, but there are a few other documents that are to be submitted. The applicant has indicated that they would be submitted to staff by March 15, 2005. Once they are submitted, staff will complete the review, and the matter will be scheduled for a noticed hearing before the Zoning Administrator.

## Contact: Christine Gregory – 335-1236 ext-1

7) Alamo Summit (SUB 7553): The Board of Supervisors approved this 37-lot Planned Unit District on the ridgeline to the west of Alamo in 1994. Recently, the property has been acquired by a builder (Seeno) who is moving forward with the development. The project site is a visually sensitive location and requires careful monitoring. This project is also subject to a Development Agreement with the County.

## Contact: Ruben Hernandez – 335-1339

8) Alamo Creek: The Alamo Creek project includes the construction of 1,052 dwelling units along with the construction of a fire station, school, senior center and soccer fields. The project is located on Camino Tassajara Road, adjacent to the Wendt subdivision. The Board of Supervisors approved the project on July 9, 2002. To date no final maps have been recorded. Roadway improvements along Camino Tassajara have begun and grading of about half of the Alamo Creek project has been approved. The applicant plans to begin construction of model homes by the middle of 2005.

#### Contact: Rose Marie Pietras – 335-1216

9) Intervening and Remaining Intervening Properties: On July 9, 2002 the Board of Supervisors approved the Rezoning, Final Development Plan, Revised Vesting Tentative Map. This project provides for a maximum of 377 single-family residential lots, which includes 96 affordable apartment units. Presently, the developers (Tassajara Partners consisting of Braddock & Logan, Lennar Communities, and KB Homes) have submitted materials that are being reviewed for compliance with the conditions of approval to allow construction. 15-acres has been added to the Diablo View Middle School.

## **East County Major Projects**

#### Contact: Will Nelson – 335-1208

Discovery Bay West: This subdivision was approved for up to 2,000 units to be built in four phases (villages). Village I is complete except for a parcel that is reserved for the Discovery Bay Community Center. Should an acceptable site for the community center be found elsewhere, then the Hofmann Company will file an application to subdivide the reserve parcel into 12 lots.

The single-family residential portion of Village II is nearly complete. All building permits have been issued but some houses are still under construction. The East County Regional Planning Commission approved the 64-unit senior housing complex in Village II on February 14, 2005. Construction is expected to begin this year.

Village III is under construction with about 75% of the residential permits issued. All infrastructure and landscaping is in place.

The western half of Village IV is under construction. Grading has been completed and infrastructure is being installed. We have signed off on the first 18 residential building permits.

We are currently processing an application for a General Plan amendment, rezoning, subdivision and final development plan amendment to allow the development of a 432-unit subdivision known as "Village V." Village V consists of the eastern half of Village IV plus land east of the site that was not included in the original approval. If approved, the 2,000-unit limit for the entire project would not be exceeded, but there would be a significant change to the layout in the northern quarter of the Discovery Bay West site.

## **Contact:** Bob Drake – 335-1214 OR Darwin Myers – 370-9330

Brentwood Rod and Gun Club: This is an application for a land use permit for a proposed shooting range in the Byron area. The East County Regional Planning Commission approved the project; adjacent property owners appealed that decision to the Board. At the Board hearing, those opposed to the project provided testimony of an expert that raised the "fair argument" that the project could have a significant adverse impact. Accordingly, the Board required an Environmental Impact Report (EIR). An EIR and (Recirculated EIR) have been issued; public comments have been received. On November 29, 2004, the Zoning Administrator found the Final EIR adequate. The hearing on the appeal of the ECRPC decision with the Zoning Administrator recommendation on the project EIR will be scheduled again before the Board of Supervisors in April 2005.

#### Contact: Bob Drake – 335-1214

Grading at Byron Hot Springs: In 2000, the owner of Byron Hot Springs filed for a grading permit to allow grading of this site relative to a proposed renovation of the site. Save Mt. Diablo appealed the Building Department's issuance of a grading permit. At the hearing, the Board revoked the grading permit and ruled that the project would be subject to a noticed public hearing after the project had complied with the review requirements of California Environmental Quality Act (CEQA). The Community Development Department (CDD) subsequently advised the applicant that the project would result in a number of significant environmental impacts and that an EIR would be required. The applicant (East Bay Associates, David Fowler) filed suit against the County for its decision to revoke the grading permit. The Superior Court ruled against the suit, and for the County, last year. Following this court decision, CDD has not heard from the applicant.

## Contact: Will Nelson – 335-1208

13) Pantages at Discovery Bay: In July of 2004, a rezone and development plan application was submitted to start the process of developing a 160-acre property just west of Discovery Bay filed in conjunction with a General Plan amendment request for the site. There is a large wetland within the property and the applicant is in discussion with Department of Fish and Game and US Army Corp of Engineers, thus a tentative map has not been submitted yet. Currently, the proposal includes a 301-lot single-family subdivision. 221 lots would be deepwater lots similar to Discovery Bay. The rest would be standard single-family lots without water access. The application is incomplete.

## Other District III Projects of Interest

Contacts: Ruben Hernandez – 335-1339 OR Telma Moreira – 335-1217
[Bob Drake – 335-1214 – is also well informed on all three islands]

14) <u>Unauthorized Residential Development on Delta Islands:</u> Following receipt of a complaint in 2002, the Building Inspection Department initiated a code compliance investigation on several Delta islands, particularly Salisbury and Quinn Islands, and Golden Isle. The sites are well outside of the Urban Limit Line. The sites are subject to periodic flooding and Federal Emergency Management Agency (FEMA) has placed them in Special Flood Zones in recognition of that condition.

Salisbury and Quinn Islands are designated Delta Recreation and Resources (min. 20-acre parcel) in the General Plan, and are zoned agricultural. Golden Isle (only 5-acres) is designated Open Space and also zoned for agricultural. These small island properties have developed without permits to urban residential levels of intensity. The Community Development Department has provided support to the Building Inspection Department relative to:

- Identifying applicable planning policies and development regulations; and
- Trying to seek the Club's cooperation in effecting voluntary compliance.

<u>Salisbury Island</u> - On June 17, 2003, the Board of Supervisors denied an appeal filed by the owners of Salisbury Island to abate the island, and directed staff to proceed with abatement actions. The Board's decision was challenged in Superior Court and in the California Appellate Court, and both Courts sustained the Board's action. The owners of Salisbury Island are in the process of completing a voluntary abatement program (under the supervision of the Building Inspection Department) involving both salvaging and the removal of existing improvements.

Golden Isle – The Golden Gate Water Ski Club owns Golden Isle. This 5-acre site has approximately 28 dwellings and 28 boat docks. The Building Inspection and Community Development Departments have met with the Club representatives on five occasions, and reviewed three separate proposals from the Club. The representatives made a (preapplication review) proposal to try to retain some existing improvements. Staff last met with representatives of the Water Ski Club on January 19, 2005. At that time, staff informed the Club representatives that this proposal did not approach the changes that would be necessary to allow for compliance on the island. Staff also informed the Building Inspection Department that we saw no further purpose to be served by trying to gain the Club's voluntary support in effecting code compliance.

We are informed that the Building Inspection Department has posted a Notice to Abate on the property the first week of March 2005, and the Club has indicated it intends to appeal the Abatement action to the Board of Supervisors.

<u>Quinn Island</u> – This is another Delta island containing a number of dwellings without appropriate permits. CDD is again providing support to the Building Inspection Department in its code enforcement investigation. We will be reviewing the record of applicable regulations and policies, and any history of development permits that apply to this site for appropriate code enforcement action.

# Contact: Christine Gregory – 335-1236 ext-1

- 15) Mountain Meadows II (SUB 7118): In 1990, the Board of Supervisors approved this project allowing for the division of 96 acres into 46 single family lots located east of Mt. Diablo, off Morgan Territory Road. Following Board approval, several neighbors filed a suit. In 1993, the Board accepted a report on a proposed settlement agreement and adopted revised conditions of approval based on the settlement agreement. The applicant has filed for a final map, and staff is processing and reviewing the submittal for compliance with the modified permit approval. In order to meet environmental requirements, the applicant has:
  - Reduced the number of lots to 41; and
  - Proposed to avoid development of several remaining lots at least until such time as they determine whether it is feasible to repair several documented slide conditions.

Staff is working with the developer on appropriate administrative controls to safeguard the portion of the site where unstable soils have been identified.

#### Contacts: Bob Drake – 335-1214 OR Patrick Roche – 335-1242

Reddick Boat Storage Land Use Permit Revocation (File #2059-88/LP992063): In 1988, the owner of a 2.5 acre site at 4091 Orwood Road in the Brentwood area obtained a land use permit for a boat storage operation on agriculturally zoned land near the Delta. He also attempted to obtain approval for storage of other types of vehicles (namely recreational vehicles) but was denied by the Zoning Administrator because those types of vehicles are not allowed in the agricultural district. He appealed the decision to the Planning Commission and the Board of Supervisors, and was turned down on both occasions.

Notwithstanding the limitations of the County land use permit, the applicant proceeded to store recreational vehicles. Moreover, he did not make necessary submittals to comply with the permit, and did not obtain other required permits for various uses that he established on the site. The site is outside of the Urban Limit Line. After notices to comply and of violation of the land use permit were

issued to the owner, the owner filed an application to amend the land use permit to try to cure the permit violations. Staff also scheduled a hearing before the Planning Commission to determine if cause exists to revoke the 1988 land use permit.

After numerous hearings over a 20-month period; a Commission field trip to the site with staff; and failing to coax the applicant to a program to comply with the existing permit, in 2002; the Planning Commission voted (4-0-1) to revoke the land use permit and to deny the proposed amendment to the land use permit.

The permittee (Mr. Reddick) appealed that decision to the Board. In October 2003, the permittee requested that the Board allow him the opportunity to try to cure the violations with a phased program, the second phase of that program would involve having the County amend its zoning ordinance to broaden the type of recreational equipment that could be stored in agricultural zoning districts. No one appeared in opposition to the project at the Board hearing (or the Commission hearing). The Board voted to allow the permittee an opportunity to pursue his compliance program.

The permittee has removed a number of inoperable vehicles, and has taken other measures that have demonstrated to staff that he has substantially satisfied the first phase of his program. Staff will be preparing a report to the Board later this year on the status of this compliance program. However, before the compliance program can be completed, the Board will need to consider whether it wishes to amend the zoning code to allow a broader range of recreational equipment to be stored on agricultural property. (Ref. Ordinance Code § 84-38.404 (9)).

#### Contact: Bob Drake – 335-1214

Wingset Place, Alamo: This matter involves a long-running dispute between subdivision residents and a subdivision developer who resides within the subdivision. The subdivision has been largely completed, however, the subdivision developer (Tom Gingrich) made an error in the preparation of the final map that complicates getting access to one of two lots he continues to own. He has attempted to make modifications within the subdivision to facilitate development of his remaining lots. That proposal was opposed by two of the subdivision residents (Ciapponi and Yandell). Ultimately, the developer made a proposal to modify and make improvements for guest and private parking facilities within the project, which was administratively approved by the Zoning Administrator.

A subdivision resident (David Ciapponi) appealed that decision to the Board. However, in 2003, the Board voted to sustain the Zoning Administrator decision. Staff is awaiting submission of the subdivision developers' program to comply with the County approval.

Tree Permit and Grading Proposal by Subdivision Resident (David Ciapponi) – The subdivision resident who has been most active in pursuing compliance issues concerning the subdivision permit, David Ciapponi, acquired a nearby vacant parcel. He is attempting to build a residence on the site, and has filed for a grading permit. Because of the volume of dirt that the applicant is proposing to move, the Building Inspection Department issued a notice of the proposed grading to the surrounding residents pursuant to provisions in the Grading Code. Several neighbors requested a hearing on the proposal. After discovering that the applicant had also removed a number of code-protected trees, the applicant has also made a late filing for a tree permit to try to cure the violation. Staff is completing the staff report on this matter, and it will be scheduled for hearing before the Zoning Administrator. If the Zoning Administrator decision on the tree permit were appealed, the San Ramon Valley Regional Planning Commission would hear it

## Contact: Ryan Hernandez – 335-1206

As a result of the review of a proposed (Marsh Creek) Sanitary Landfill, and subsequent subdivision, the owners grant deeded to the County the development rights for an 87-acre hillside parcel (except for landfill purposes) (#15500 Marsh Creek Road). The County had prepared and certified an Environmental Impact Report that documented potential impacts of the landfill project. The approval and establishment of a competitor operation, the Keller Canyon Landfill effectively stopped the Marsh Creek Landfill project. The owners of the site attempted to have the County vacate the development rights (e.g., scenic easement) on this hillside property; however, the Board declined to accept the proposal. The owners then sold the property to Tony and April Treece.

The Treeces are proposing development of a rural residence on the property. The project will require that the Board of Supervisors authorize the approval, but staff has advised the Treeces that more legible plans and other information are necessary before the matter can be scheduled for hearing. It may also require a tree permit and other discretionary approvals.

It should also be noted that due to the deed-restriction, the owners (Treeces) have no vested right to allow any development including a residence on this site.

#### Contact: David Brockbank – 335-1237

19) <u>Buena Vista Wind Energy Project:</u> The County is processing an application seeking to amend several land use permits for windfarms in the hills south of Byron near the Alameda County boundary. The application would remove 179 existing wind turbine towers and replace them with 38 new, larger and more efficient wind turbine towers. A consultant retained by the County is assisting

staff in the preparation of an EIR on the project. The primary concerns are bird strikes of threatened and endangered species; and the potential for downwind wake effects on neighboring turbine operators. The FEIR (Final Environmental Impact Report) is being completed, and staff intends to schedule the project before the East County Regional Planning Commission in April.

#### Contact: Ruben Hernandez – 335-1339

20) <u>Diablo Historical District:</u> On December 3, 2002 the BOS adopted the recommendation of the Historical Landmarks Advisory Committee to create the Diablo Historic District and include the district in the County's Historic Resource Inventory. The placement of the district onto the inventory provides additional protection under CEQA and is one of the first steps toward obtaining state recognition for some of the individual homes.

#### Contact: Ruben Hernandez – 335-1339

21) Humphrey Property: An application for a 39-lot major subdivision, development plan and rezoning to P-1 was submitted on October 19, 2004. The County is concurrently processing a general plan amendment on the site. The project is located across from the Monte Vista High School on Stone Valley Road in the Alamo Area. The Town of Danville also borders to the south. An EIR was completed on the project and adopted by the Board for the partial cancellation of an Agricultural Preserve (Williamson Act) contract. The applicant (Davidon Homes) proposes to convey a portion of the property to the San Ramon Valley Unified School District to be used as a parking lot and playfield area. The Board granted a tentative approval to partially cancel the contract subject to payment of cancellation fees and obtaining necessary discretionary permits. The San Ramon Valley Regional Planning Commission will initially hear the matter in mid 2005.

#### Contact: Rose Marie Pietras – 335-1216

SRVRPC Denial of Brian Thiessen Rezoning/Subdivision Application: In 1990, the County received an application to rezone a hillside, tree-studded property south of Stone Valley Road involving14.6 acres from A-2 (5-acre min.) to R-40 (min. 40,000 square feet parcel size) and for a subdivision application to allow 9 (min. 1-acre) lots. Due to concerns about the steepness of the slopes and ultimate development of the site without appropriate restrictions, staff recommended that the project be denied. Staff had indicated that due to site conditions, the number of lots was excessive and that development should be considered by rezoning to the Planned Unit District. The Alamo Improvement Association (AIA) also expressed concerns about development of the site.

In 2000, the matter was brought to hearing before the Planning Commission. At that time, no one appeared in opposition to the project. However, the Planning Commission agreed with the staff recommendation, and unanimously voted to

recommend that the Board deny the rezoning application, and to deny the subdivision application. The applicant appealed the Planning Commission denial of the subdivision application.

Subsequent to that time, staff has met with the applicant. At staff's urging he has retained a design firm (David Gates & Associates) to help him prepare modifications to the submittal including design guidelines that would regulate development on the site. Staff last met with the applicant's representatives last year, at which time they agreed to withdraw the dated application and file a new rezoning and subdivision application for the site.

#### Contact: Will Nelson – 335-1208

Pavao Residential Variance (4667 Discovery Point, Discovery Bay): The Pavao residence is closer to the adjoining waterfront than other neighboring residences. This obstructs a portion of the neighbors' views of the water. The house plans did not go through the design review process required for development on substandard lots. This matter came to staff's attention following a code compliance complaint by a neighbor, Jim Hall. The building permit has not yet been finaled. However, the county has allowed certain utility connections and occupancy pending a final action by the County on the pending development permit applications. After comparing the approved plans to what was actually built, it was determined that the Pavao's constructed a third story with a height greater than 35-feet. This is in violation of the County's Ordinance Code, which states that no residences shall exceed two and one-half stories or 35-feet (Section 84-4.802).

The Pavao's filed a variance/small lot design review application in October of 2003 with the Community Development Department. The variances are for a 3-story house, a house over 35 feet tall and a side yard setback of less than 5 feet. Currently the application is incomplete because the plans do not accurately show the house as constructed.

It should be noted that a variance application similar to the one above was approved for a new residence located at 5005 Discovery Point on September 21, 2004. That application was also challenged by Jim Hall.

#### Contact: John Oborne – 335-1207

24) Paulson Lane Project (Saranap area): In late 2004, the "Paulson Lane Project" was submitted consisting of the following 4 entitlements: General Plan Amendment - (from single-family residential, medium density (SM) to single-family residential, high density (SH)); Rezoning - (from single-family residential, (R-6/R-10) to Planned Unit District, P-1; Major subdivision - (22 lots); and Final Development Plan - (for 22 single family residences).

The site is physically separated from other properties by Interstate 680, Olympic Boulevard and Las Trampas Creek. The City of Walnut Creek is on the east side of the freeway. To this point, the discussion has focused on compliance with the creek structure setback since half of the proposed homes have their backyards adjacent to Las Trampas creek and the creek structure setback encroaches into a substantial portion of the lot (leaving the back yards of these homes undevelopable). According to the Contra Costa County General Plan, Chapter 8, Conservation Element, Implementation Measure 8-CY " new parcels that are created shall include adequate space outside the watercourses' setback area for pools, patios and appurtenant structures to ensure the property owners will not place improvements within the areas which require protection". Other discussion involves some 200 trees on site, 100 of which they propose to remove. This project is to be initially heard by the County Planning Commission with final approval of the General Plan amendment, rezoning and final development plan to be made by the Board.

#### Contact: David Brockbank – 335-1237

Baca Wall Project (Blackhawk area): In the summer of 2001, an application for an amendment (modification) to a final development plan (FDP) to allow a stone fence/wall (existing) that is nine feet in height (where six feet is allowed) along the frontage of the subject property. The application submittal was in response to a code enforcement investigation to try to legalize an existing fence. Essentially, the owner wants an eight and one half foot (9-feet) wall, where the FDP only allows 6-foot fences (wall) and some of the neighbors are opposed to it, including the Design Review Board - a committee established by the Covenants, Codes & Restrictions (CC&Rs) to review improvement plans within the development. This project was approved by the Zoning Administrator in 2002, but appealed to the San Ramon Valley Regional Planning Commission. The SRVRPC over-turned the ZA decision and granted the appeal, denying the project. The applicant appealed the SRVRPC's decision to overturn the ZA - and should be going before the BOS in the next few months.

## Contact: Mike Henn – 335-1204 ext-2

Palmer Madden (Las Trampas Road, Alamo): In the summer of 2004 an application to divide 5.8 acres into three residential lots located adjacent to 1900 Las Trampas Road that also proposes a 2.21-acre scenic easement to protect open space was submitted to the Community Development Department. Concurrently the applicant filed for a development plan and rezone from General Agricultural, A-2 to Planned Unit District, P-1. The subject site is moderately steep with a general concern from down slope neighbors about drainage. Additionally, the down slope neighbors are concerned with the visibility of the three new residences against the ridgeline. The project is to be heard before the San Ramon Valley Regional Planning Commission this spring. Ultimately, the Board of Supervisors must consider final action on the project.

# <u>Ordinance Changes Sought by the San Ramon Valley Regional Planning</u> Commission

Contact: Bob Drake – 335-1214

## 27) SRVRPC Resolutions Recommending New Regulations

As a result of concerns arising in the processing of a couple of development applications and related appeals in the Alamo area, the San Ramon Valley Regional Planning Commission has adopted two resolutions urging the Board of Supervisors to adopt new regulations.

A. Regulation of "Flag" Lots – The County processed an application (Azevedo) for a design review of a proposed residence on a "flag" lot. At the time of its application, both the applicant and staff assumed that the property was substandard in width, and therefore development subject to the public notice and design review requirements of the Small Lot Occupancy Ordinance [ref. Ord. Code § 82-10.002 (c)]. Flag lots often are substandard with respect to the minimum width requirements of the zoning code.

The application ultimately came to hearing before the Zoning Administrator, at which time it was approved, but neighbors appealed that decision to the Planning Commission. In preparing the staff report on the appeal, it came to staff's attention that the property was not substandard in width and therefore not subject to the review procedures of the Small Lot Occupancy Ordinance. The applicant withdrew their application, and staff accepted it. However, the neighbors appealed the staff's administrative decision that the Small Lot Occupancy Ordinance does not regulate the project by appealing the decision to the Board of Supervisors.

Staff presented the evidence to the Board of Supervisors and recommended that the Board deny the appeal, however the Board ruled that development of the lot was subject to the Small Lot Occupancy Ordinance, and instructed staff to process the neighbor's appeal on the design review of the residence before the Planning Commission. The hearing was held, and the Planning Commission conditionally approved the project; no appeals were filed on the Commission action.

<sup>&</sup>lt;sup>1</sup> A "flag" lot is a lot where the main body of the property is physically separated from the road connection by a narrow section that is generally only wide enough for a driveway connection.

<sup>&</sup>lt;sup>2</sup> The Small Lot Occupancy Ordinance applies to development of lots that are substandard with respect to either the lot area or lot width requirement of the applicable zoning district. The purpose of the design review is to determine a project's compatibility with the surrounding neighborhood in terms of its size, height, location and design.

Following the Commission action, the Commission adopted a resolution recommending that the Board amend the ordinance to regulate the creation of flag lots and development on flag lots. This item will be scheduled for the Board later this year.

B. <u>Solar Panel Design Review</u> – The County processed an application to establish a detached solar panel on a hillside area that was visible to neighbors. Several neighbors objected to the project, however the San Ramon Valley Regional Planning Commission ultimately approved it with conditions. No appeals were filed on the Commission's action.

After acting on the application, the Alamo Improvement Association requested that the Planning Commission adopt a resolution to ask the Board of Supervisors to initiate an amendment to the Ordinance to provide for design review of solar panels. The SRVRPC conducted several study sessions including presentations by industry representatives. Ultimately, the Commission adopted a resolution recommending that the Board amend the Ordinance Code to allow for regulation of solar panels. Staff is reviewing this resolution for compliance with recent changes in state law.